

Ordinance 13-34

STORMWATER FEE SCHEDULE FOR THE CITY OF WESTFIELD **THIS ORDINANCE AMENDS AND REPEALS ORDINANCES 07-23**

WHEREAS, The City of Westfield, (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (“Council”); and,

WHEREAS, it is in the best interest of the City and its residents to repeal the currently established Stormwater Fee Schedule Ordinance, 07-23, established for the purpose of implementing capital improvements, operation, maintenance activities, public education and outreach to comply with federal and state requirements, and

WHEREAS, it is in the best interest of the City and its residents to now create a Stormwater Management Division (“Division”) within the Department of Public Works (“Department”) for the purpose of providing for and managing the collection, treatment, drainage, and disposal of City storm and surface water, to establish a “Westfield Storm Water District” as a special taxing district, and to adopt and approve “Stormwater User Fees” for the district;

WHEREAS, the Department’s controlling board, the City of Westfield’s Board of Public Works and Safety (“Board”), pursuant to Indiana Code 8-1.5-5-7, shall adopt the Stormwater User Fee schedule for the District by and through its Resolution which actions by the Board are hereby ratified.

WHEREAS, the City will be transferring ownership and billing authority to another entity soon after the January 2014, and;

WHEREAS, the Council has been advised that the most effective procedure would involve a quarterly billing system for the Stormwater fees necessary for the Stormwater Sewer Works.

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Common Council meeting in session as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. The provisions of Indiana Code 8-1.5-5, as the same may be amended from time to time, are hereby adopted by the Council and are hereby effective and operative within the City.

Section 3. Pursuant to Indiana Code 8-1.5-5, the Division consisting of the Director of Public Works and designated staff, is hereby created for the purpose of providing for the collection, treatment, drainage, and disposal of storm surface water in the City.

Section 4. Pursuant to Indiana Code 8-1.5-5-4(g)(1) and established by prior ordinance, the Board controls the City's municipally owned utilities; and,

Section 5. Pursuant to Indiana Code 8-1.5-5(g)(2) and 8-1.5-3-3(a), the Board is hereby directed to control the City's stormwater facilities and shall have all of the powers and responsibilities set forth in Indiana Code 8-1.5-3-4(a) and 8-1.5-5-6, and as otherwise provided by law or in equity.

Section 6. Pursuant to Indiana Code 8-1.5-5, there is hereby created a special taxing district, known as the "Westfield Stormwater District", which shall include all of the territory within the corporate boundaries of the City of Westfield, Indiana ("District").

Section 7. The Board has agreed to conduct a stormwater program and capital improvement budget study ("Study") to establish a Stormwater User Fee for which each residential property located in the District based on an average impervious area which shall be calculated by the Study.

Section 8. The Board, with assistance of the Division, shall annually prepare and submit a budget to the Council for its approval, recommend to the Council reasonable and just rates and charges for services to utility patrons, and take such other actions as are required or permitted by law.

Section 9. The Council adopts and approves the Stormwater User Fees as recommended by the Division for the District, to wit:

- a. The monthly Stormwater User Fees shall be uniform for all residential properties located in the District, and same shall be assigned one (1) equivalent Residential Unit ("ERU").
- b. The monthly Stormwater User Fees for all non-residential properties located in the District shall be determined by using

an ERU multiplier, which shall be the quotient obtained by dividing the total square feet of impervious surface area within a non-residential property by a divisor of _____ square feet, which quotient will then be multiplied by the ERU to obtain the Stormwater User Fee, except that the monthly Stormwater User Fee for a non-residential property located in the District shall not be less than one (1) ERU.

- c. The monthly Stormwater User Fees for all unimproved property located in the District shall be the product of the ERU multiplied by _____.
- d. The ERU shall be \$3.24.

Section 10. If the monthly Stormwater User Fee is not paid by its due date, as stated on the Division's fee invoice, which may be combined with and made a part of the City's billings issued pursuant to City Code Section _____, a late charge of ten percent (10%) will be assessed, together with the costs of collection, if any, including reasonable attorney's fees.

Section 11. The Department shall be responsible for calculating and assessing all monthly Stormwater User Fees and for establishing billing and collection procedures for the same, and for taking all other lawful actions, including, but not limited to, those set forth in City Code Section _____, as are necessary or convenient in order to implement the City's stormwater management and user fee system.

Section 12. This Ordinance shall be in full force and effect from and upon its adoption in accordance to the law. All ordinances or parts thereof in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____, 2013.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Charles Lehman

Charles Lehman

Charles Lehman

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 13-35 was delivered to the Mayor of Westfield on the

_____ day of _____, 2013, at _____ m.

Cindy Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 13-35

I hereby VETO ORDINANCE 13-35

This _____ day of _____, 2013.

This _____ day of _____, 2013.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor